

**SUMTER COUNTY BOARD OF COMMISSIONERS
EXECUTIVE SUMMARY**

SUBJECT: ***S2011-0002 - Major Special Use for Excavation - Tommy's Hauling Inc. - CR 526/Sumterville.**

REQUESTED ACTION: Staff and Zoning & Adjustment Board Recommend Denial.

☐ Work Session (Report Only) **DATE OF MEETING:** 10/25/2011
☒ Regular Meeting ☐ Special Meeting

CONTRACT: ☒ N/A Vendor/Entity: _____
Effective Date: Termination Date: _____
Managing Division / Dept: Planning & Development

BUDGET IMPACT: _____
☐ Annual **FUNDING SOURCE:** _____
☐ Capital **EXPENDITURE ACCOUNT:** _____
☒ N/A

HISTORY/FACTS/ISSUES:

The applicant is requesting after the fact approval of a Major Special Use for an excavation (sand pit) operation. The subject property is located at the western terminus of CR 526 in Sumterville. There is an active code enforcement case (CE2011-0195) for the start of the excavation operation without the proper County approval.

As demonstrated in the attached staff report, the request is not consistent with the excavation requirements within Section 13-771, Sumter County Land Development Code. In addition, the information supplied by the applicant in support of Major Special Use request is not only inconsistent with the Sumter County Land Development Code but is also not reflective of the existing unpermitted excavation operation. Consequently, staff recommends denial of the Major Special Use.

At the October 17, 2011, Zoning & Adjustment Board (ZAB) public hearing, the ZAB recommended denial of the Major Special Use (4-1).

ZAB cases:

1) Tommy's Hauling, Inc. – S2011-0002 *****

SUMTER COUNTY ZONING AND ADJUSTMENT BOARD

October 3, 2011

October 17, 2011

BOARD OF SUMTER COUNTY COMMISSIONERS

October 11, 2011

October 25, 2011

CASE NO. S2011-0002

APPLICANT: Tommy's Hauling, Inc.

REQUESTED ACTION: Major Special Use for Excavation (Sand Pit)

EXISTING ZONING: A5

FUTURE LAND USE: Agriculture

EXISTING USE: Vacant (Excavation activity in progress prior to approval)

PARCEL SIZE: 5 acres MOL

GENERAL LOCATION: Sumterville

SURROUNDING LAND USE:

NORTH: Rural Residential

SOUTH: Agriculture

EAST: Agriculture

WEST: Agriculture

SURROUNDING ZONING:

NORTH: RR1C = Vacant

SOUTH: A5 = Vacant

EAST: R1A, A5, R2C = Single-Family

WEST: A5 = Vacant

CASE SUMMARY:

The applicant is requesting after the fact approval of a Major Special Use for an excavation (sand pit) operation. The subject property is located at the western terminus of CR 526 in Sumterville. There is an active code enforcement case (CE2011-0195) for the start of the excavation operation without the proper County approval.

As demonstrated in the case analysis below, the request is not consistent with the excavation requirements within Section 13-771, Sumter County Land Development Code. In addition, the information supplied by the applicant in support of Major Special Use request is not only inconsistent with the Sumter County Land Development Code but

is also not reflective of the existing unpermitted excavation operation. Consequently, staff recommends denial of the Major Special Use.

CASE ANALYSIS:

On January 22 2009, Tommy's Hauling Inc. (applicant) submitted an application to the County for Special Use approval for a excavation operation on the subject property (S2009-0007). At the time of the submittal of the application in 2009, staff advised the applicant that a permit was also required from the Southwest Florida Water Management District (SWFWMD) in addition to the County approval. There was no follow up contact by the applicant after submittal of the 2009 application. Staff assumed that the applicant no longer desired to pursue the application.

In June 2011, staff received a code complaint regarding excavation operations on the subject property. On June 29, 2011, the County initiated a code enforcement case in response to the complaint (CE2011-0195). Staff contacted the applicant regarding the code enforcement case.

On July 18, 2011, the applicant submitted a new application to the County for Special Use approval for an excavation operation on the subject property (S2011-0002). As part of the 2011 application, the applicant provided their SWFWMD permit as the support material for the application. The applicant submitted the application to SWFWMD on July 6, 2009, and received the SWFWMD permit for the excavation operation on January 6, 2010.

In review of the information provided by the applicant, staff made requests to the applicant's engineer to provide additional information to confirm the proposed excavation plan submitted as part of the application was also consistent with the County's excavation requirements within Section 13-771, Sumter County Land Development Code. As of October 12, 2011, no response from the applicant or the applicant's engineer was received regarding consistency with the County's excavation requirements. Based on staff's review of the information submitted, absent any response from the applicant or applicant's engineer, the excavation plan is inconsistent with Section 13-771, Sumter County Land Development Code in the following areas:

- 1 A 50 foot setback from adjacent property lines and right-of-way must be maintained from the top of the excavation area. The excavation plan shows the top of the excavation area within 20 feet of the property lines.

Further non-compliance issues related to the setback requirement is the fact that the top of the excavation area that has already occurred, without the proper County approval, is, at best, only a few feet from the eastern property line. This is a concern given the eastern property line abuts the existing single-family residential neighborhood.

2. Screening around the property may be required. The excavation plan provides no information or proposal for screening around the excavation operation. At a minimum, 100% opaque screening along the eastern property line should be provided to buffer the existing single-family residential neighborhood to the east.

In addition, the existing excavation area, without the proper County approval, has minimal screening along the eastern property line. In addition, the small barbed wire fence is in disrepair and does not adequately secure the subject property

- 3 A reclamation plan is required as part of the approval of an excavation operation. The information submitted by the applicant does not provide any information regarding the reclamation of the subject property to “permit the use of the land in conformity with the existing land use zone and usage of the surrounding area”

In addition to the inconsistencies with Section 13-771, Sumter County Land Development Code, the information and excavation plan submitted for this application (S2011-0002) does not reflect the existing excavation activities, which occurred without the proper County approval.

Specifically, the depth of excavation is proposed within the excavation plan at a maximum of 10 feet below existing grade. However, the actual excavation depths are much greater than 10 feet in many areas of the existing excavation pit. Based on staff’s visual observations of the subject property, it appears the depth of excavation exceeds 20 feet in many areas of the existing excavation pit.

Secondly, as discussed above, the setback areas shown on the excavation plan are inconsistent with the actual extent of the existing excavation area.

As a result of the above described inconsistencies with Section 13-771, Sumter County Land Development Code, and inconsistencies between the submitted information and excavation plan with the existing condition of the excavation area, without proper County approval, the Major Special Use request is also not consistent with the standards for the issuance of a Special Use. Section 13-143(a)(2), Sumter County Land Development Code, requires the following standards for approval of a Special Use:

Special, conditional and temporary uses. In addition to other criteria established in this chapter, the following requirements must be considered in reviewing applications for special, conditional, and temporary use permits. Additional standards or different standards for specific uses may be required or allowed in other sections of this Code.

- a. The use must not be detrimental to the neighborhood environment and must not unduly infringe on the rights of property owners in the vicinity of the use.
- b. A vehicular parking or traffic problem must not be created, and the vehicular average daily traffic created on local roads must not be increased by more than five (5) percent. Staff, reviewing agencies and the commission may rely on input from

the Florida Department of Transportation, the Florida Highway Patrol and the Sumter County Sheriff's office in making this determination.

c. If found necessary and effective, the site upon which the use is located shall have screening and buffering sufficient to minimize interference with the enjoyment of surrounding properties. The impact of nuisance or hazardous features involved in the use shall be minimized by buffers such as screening or open areas.

The inconsistency of the requirements of Section 13-771, Sumter County Land Development Code, described above, results in the proposed excavation use to be detrimental to the neighborhood environment and unduly infringes on the property rights of owners in the vicinity of the use.

In addition, on October 10, 2011, the Development Review Committee recommended denial of the application due to its inconsistencies with Section 13-771, Sumter County Land Development Code, and inconsistencies regarding the submitted information and excavation plan with the existing conditions of the subject property. Also, the applicant did not provide a response to the requirement by the Sumter County Health Department for the provision of on-site sanitation, and did not provide a response to comments from Sumter County Public Works regarding erosion control.

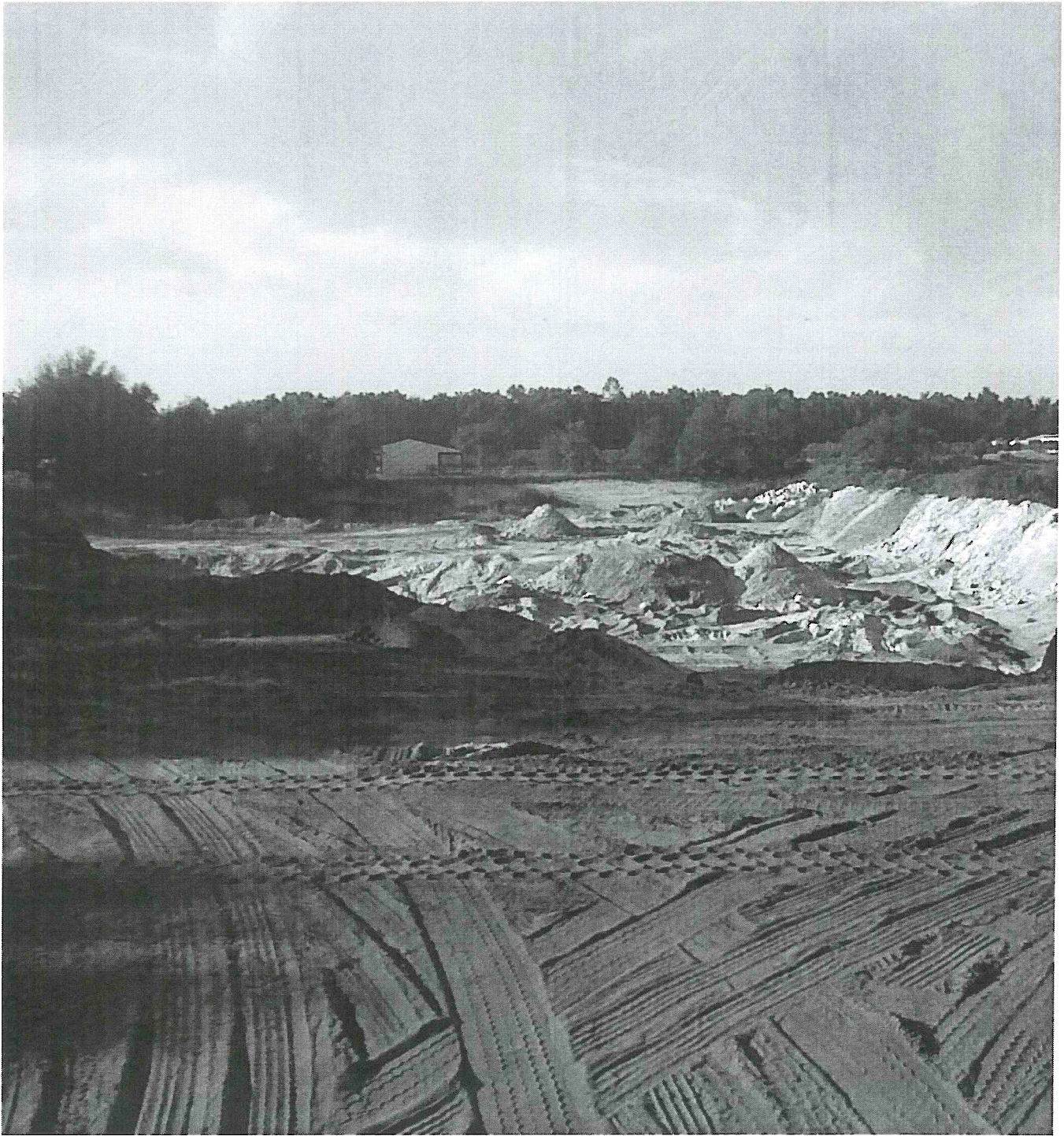
DIVISION OF PLANNING & DEVELOPMENT STAFF CONCLUSIONS:

Staff deems the application **insufficient and not in compliance** with the minimum requirements of the Sumter County Land Development Code and Comprehensive Plan and recommends **denial**.

Notices Sent: 7 **(In objection)** 1 **(In favor)** 0

Zoning & Adjustment Board Recommendation: Denial (4-1)

Board of County Commissioners Action:





50 Ft County Required Setback



Sumter County BOCC - GIS

BOCC Bushnell, FL 33513 | 352-793-0200

Parcel ID **J24A009**

TOMMY'S HAULING INC

PO BOX 645 WILDWOOD, FL 34785

Street NOT ON FILE

S/T/R 24/20/22 LOT 6 BARWICKS ADD PB 1 PG 21

Sales

7/1/2006	1615/495	Vacant	\$75,000.00
12/1/1996	617/276	Vacant	\$100.00

NOTES:



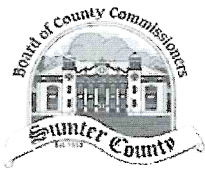
This information was derived from data which was compiled by the Sumter County BOCC - GIS. This information should not be relied upon by anyone as a determination of the ownership of property, legal boundary representation, or market value. The map image is not a survey and shall not be used in any Title Search or any official capacity. No warranties, expressed or implied, are provided for the accuracy of the data herein, its use, or its interpretation. This information was last updated: 10/5/2011 and may not reflect the data currently on file at our office.

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Sec. 13-771 - Excavation.

- (a) *Purpose and intent.* Excavation is permissible as a permitted or special use where indicated by use 6.100 on Table 13-362A. In addition to the other provisions of this chapter, it is the intent of this section to provide for such use in a manner which will have the least possible adverse impact to the community.
- (b) *Permittee.* Special use excavation permits are issued jointly to the property owner and excavator designated therein. A change in owner or excavator shall be reported to the commission, in writing, by certified mail, within thirty (30) days of such change by the new owner or excavator.
- (c) *Development standards.*
 - (1) *Buffers.*
 - a. *Separations.* Unless specified otherwise in the use permit, no excavation shall occur within fifty (50) feet of adjoining property owned by others or the right-of-way of any public road or street, except no setback is required where a hill or elevation is removed to bring the level of the property into conformity with the natural elevations of the surrounding area.
 - b. *Screening.* As specified in the use approval, the authority may impose appropriate screening requirements.
 - (2) *Side slopes.* The area being lowered shall be sloped at a rate of not more than one (1) foot vertically to three (3) feet horizontally.
 - (3) *Reclamation.* Upon completion, each excavation shall be reclaimed so as to permit use of the land in conformity with the existing land use zone and usage of the surrounding area.
 - a. At a minimum, excavation activities, including location of pits, depths, cubic yards excavated and time constraints shall conform with any applicable FDEP Reclamation Plan.
 - b. Additional reclamation requirements may be specified by the authority in the use approval.
- (d) *Notification of change.* The commission is to be promptly notified of any significant change in any excavation operation which has received special use approval.
- (e) *Improper activity.*
 - (1) *Circumvention.* Subdivision of property for the purpose of circumventing the intent of the excavation limit requirements of this chapter is specifically prohibited.
 - (2) *Dumping.* Dumping of debris, trash, garbage, hazardous or contaminated materials is prohibited in any excavation not permitted for such under local and state laws, and said dumping shall be cause for suspension or revocation of a permit pursuant to sections 13-144(e) and 13-174(d)(7).
 - (3) *Blasting.* Blasting is considered a mining activity and is expressly prohibited as an excavation activity.
 - (4) *Pumping.* Lowering the groundwater levels by pumping is considered a mining activity and is expressly prohibited as an excavation activity.

(Ord. No. 96-23, § 9, 12-16-96; Ord. No. 2000-19, § 3, 7-25-00)



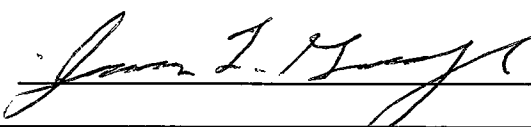
SUMTER COUNTY ZONING AND ADJUSTMENT BOARD

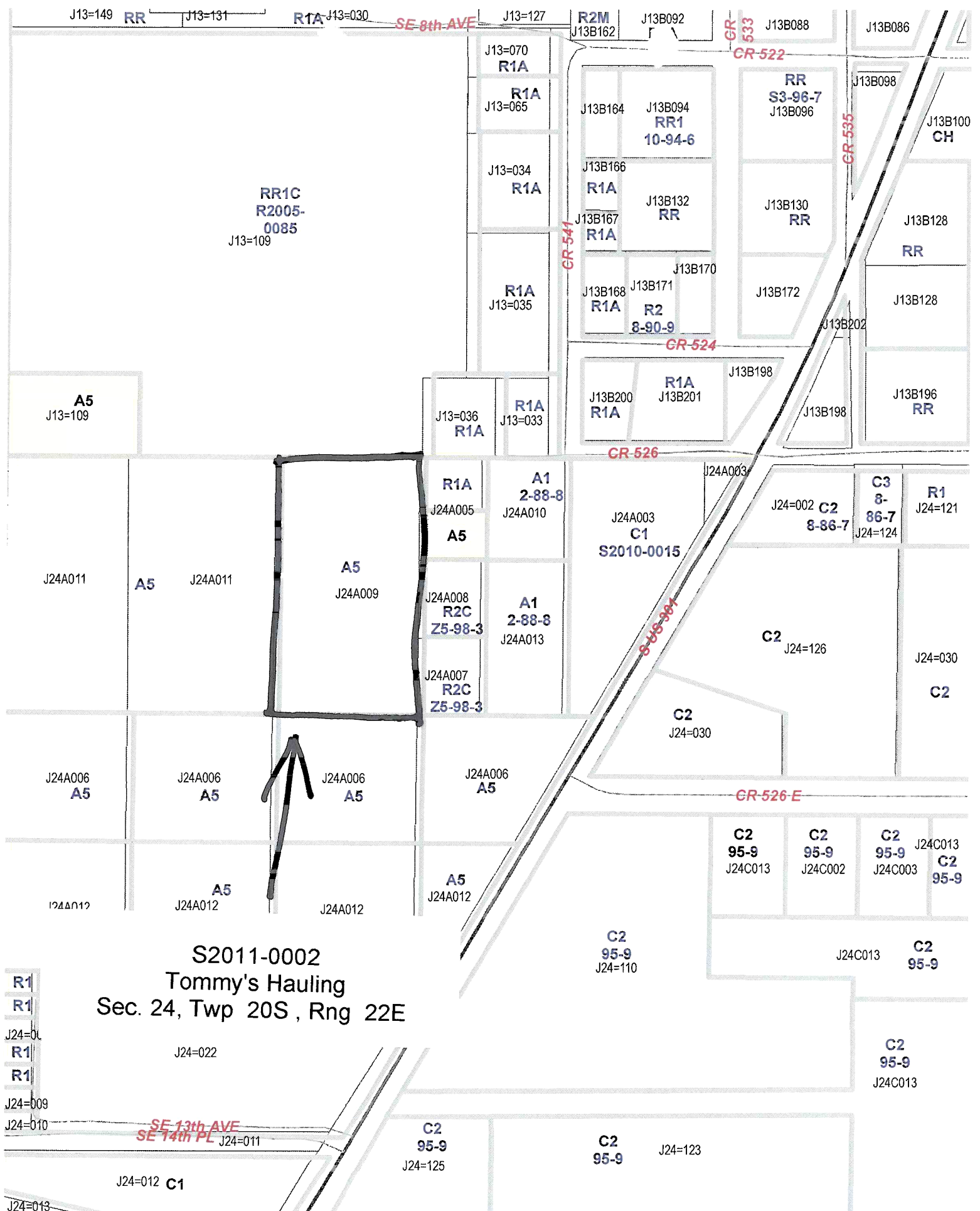
910 N. Main Street, Suite 301, Bushnell, FL 33513
Tel. (352) 793-0270 Fax (352) 793-0274

Project No: **S2011-0002**

Application 7/18/2011 SCO

SUP

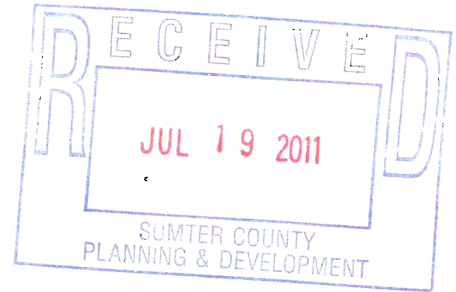
PROJECT TYPE SUP		PROJECT SUBTYPE MAJOR		PROJECT DESCRIPTION Excavation for sand pit	
OWNER TOMMY'S, HAULING INC		ADDRESS PO BOX 645 WILDWOOD, FL 34785		PHONE (352) 303-8581	
AGENT/APPLICANT Lynde Gough		ADDRESS		PHONE	
PARCEL # J24A009	SEC/TWP/RNG 242022	GENERAL LOCATION SUMTERVILLE		DIRECTIONS TO PROPERTY N ON US 301. W ON CR 526. THE PROPERTY IS LOCATED APPROX 2/10 MILE ON THE S SIDE OF THE RD.	
Property Address CR 526, SUMTERVILLE, FL 33585					
PARCEL SIZE 5 acres MOL		F.L.U. RUR AGR B7C 10/15/11		LEGAL DESCRIPTION LOT 6 BARWICKS ADD PB 1 PG 21	
PRESENT ZONING A5		PRESENT USE Sand Pit			
REQUESTED USE Major SUP for sand pit on 5 acres MOL		ACREAGE TO BE UTILIZED 5 acres MOL		LEGAL DESCRIPTION TO BE UTILIZED same as above	
ABUTTING PROPERTY ZONING/USE F.L.U.	NORTH RR1C & Non-compliant A5/ RR	EAST R1A,R2C, non-comp A5/Res, Ag	SOUTH A5/vacant Ag	WEST A5/vacant Ag	
As owner/agent, I agree to post the hearing plaques within 24 hours on the property's road frontage at the corners and at 300' intervals between. I understand any action on my application will be governed by Sumter County's Comprehensive Plan and Development Code, and my payment of the non-refundable application fee will not influence the decision made on this application.					
UNDER PENALTIES OF PERJURY, I DECLARE THE ABOVE INFORMATION THAT I HAVE GIVEN TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.					
 Signature(s)				July 18, 2011 Date	
A Public Hearing before the Zoning and Adjustment Board will be held on the date indicated below in the Sumter County Courthouse, Bushnell, FL. This application will be heard at the time indicated below. Your appearance or representation at this hearing is required, and lack of same will cause your application to be disposed of according to the policy adopted by the Board of County Commissioners. The recommendation of the Zoning and Adjustment Board on this request will be presented to the Board of County Commissioners at a Public Hearing to be held at the date/time indicated below in the Sumter County Courthouse, Bushnell, FL, room number indicated below.					
Development Review Committee		B7C 8/8/2011 2:00 PM	Room: 102	Recommendation: <u>Table</u>	
Zoning and Adjustment Board		10/10/11 - Denial 10/15/11 9/19/2011 6:30 PM	Room: Colony Cottage	Action: <u>Table (4-0)</u>	
County Commission Meeting		10/17/11 - Denial (4-1) B7C 10/18/11 9/27/2011 5:30 PM	Room: 142	Action: <u>Table (5-0)</u>	
NOTICES SENT 7		RECEIVED IN FAVOR 0		RECEIVED OBJECTING 1	



TOMMY'S HAULING
P.O. Box 645
Wildwood, Florida 34785
Cell# (352) 303-8581
e-mail:wreckerservice10@embarqmail.com

July 19, 2011

Sumter County Zoning and
Adjustment Board
910 N. Main Street, Suite 301
Bushnell, Florida 33513



Re: Parcel # J24A009
Sec/Tw/Rng- 24/20S/22E
Legal Description- LOT 6 BARWICKS ADD PB 1 PG 21

TO WHOM IT MAY CONCERN:

This letter is a request to obtain a Permit for a five acre Sand Pit located in Sumterville. We have already obtained a permit from the Southwest Florida Water Management District, Permit Number 44035093.000.

This is a part time operation, with the maximum of two 18 yard dump trucks hauling in and out per day. The maximum soil hauled per week would be 1140 yards or approximately 59,280 total yards per year. Hours of operation would be from 8:00 a.m. to 5:00 p.m., Monday through Friday.

Sincerely yours,

James T. (Tommy) Gough

Structural Engineering, Inc.

921 Shadow Drive, Suite 3
Lakeland, Florida 33809

Ms. Aimee Webb
Development Coordinator
Sumter County Division of Planning and Development
7375 Powell Road, Suite 115
Wildwood, Florida 34785

August 27, 2011

Subject: Tommy's Hauling Inc.
U.S. 301
Sumterville, Florida

This letter is to certify average cubic yards of soil hauled as follows:

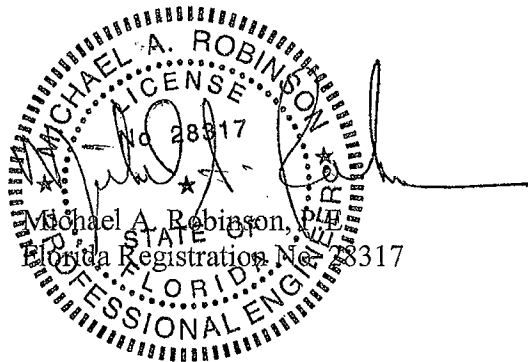
18 yards per load

5 loads per week

Cubic yards per year = $18 \times 5 \times 52 = 4,680$

Ten (10) Years Life of Operation cubic yards = $10 \times 4,680 = 46,800$; this is the potential amount that can be excavated based on the dimensions reflected in the SWFWMD permit

If additional information is required, please contact me.



SOUTHWEST FLORIDA
WATER MANAGEMENT DISTRICT
**NOTICE OF
AUTHORIZATION**
TO COMMENCE CONSTRUCTION

Tommy's Hauling

PROJECT NAME

Mining

PROJECT TYPE

Sumter

COUNTY

24/20S/22E

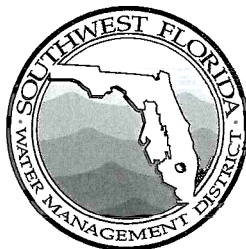
SEC(s)/TWP(s)/RGE(s)

Tommy Gough

PERMITTEE

APPLICATION NO 44035093.000

DATE ISSUED January 6, 2010



Issuing Authority
HENRY ROBERT LUE, PE, DIRECTOR
BROOKSVILLE REGULATION DEPARTMENT

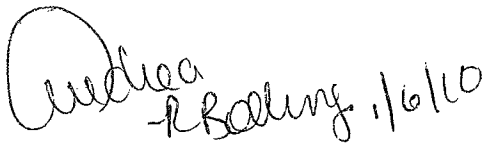
**THIS NOTICE SHOULD BE CONSPICUOUSLY
DISPLAYED AT THE SITE OF THE WORK**

PROFESSIONAL CERTIFICATION*
FOR THE ENGINEERING EVALUATION REPORT

MSSW/ERP Permit Number:	44035093 000
Date Application Received:	July 6, 2009
Permittee's Name:	Tommy Gough
Address:	PO Box 645 Wildwood, FL 34785
Project Name:	Tommy's Hauling
Project Description	Mining
Project Size:	5 11 Acres
Activity:	Construction
Section(s)/Township/Range:	24/20S/22E

I HEREBY CERTIFY that the engineering features described in the referenced application to construct and/or operate a surface water management system associated with the indicated project have been evaluated regarding provision of reasonable assurance of compliance with Part IV, Chapter 373, Florida Statutes, and Chapters 40D-4, 40D-40 or 40D-400, Florida Administrative Code, (F.A.C), as applicable. I have not evaluated and do not make any certifications as to other aspects of the proposal.

This evaluation was conducted within limited time frames and focused on a summary review of the construction plans, permit abstract and conditions, and District rule requirements relative to the Conditions of Issuance. Ongoing responsible oversight by degreed engineering staff was provided during the detailed project review



(Seal)

Andrea R. Bolling, FL P.E. #63923
Senior Professional Engineer
Brooksville Regulation Department
Southwest Florida Water Management District
2379 Broad Street, Brooksville, FL 34604-6899

* When required by Subsection 61G15-26.001(1), F.A.C., a professional engineer's seal, signature and date (i.e., "Professional Certification") means that the work indicated has been conducted under the responsible supervision, direction or control of a person licensed by the State to practice engineering, who by authority of their license is required to have some specialized knowledge of engineering. Professional Certification is not a guaranty or warranty of fitness or suitability, either explicit or implied.



An Equal
Opportunity
Employer

Southwest Florida Water Management District

2379 Broad Street, Brooksville, Florida 34604-6899

(352) 796-7211 or 1-800-423-1476 (FL only)

TDD only: 1-800-231-6103 (FL only)

On the Internet at WaterMatters.org

Bartow Service Office

170 Century Boulevard
Bartow, Florida 33830-7700
(863) 534-1448 or
1-800-492-7862 (FL only)

Sarasota Service Office

6750 Fruitville Road
Sarasota, Florida 34240-9711
(941) 377-3722 or
1-800-320-3503 (FL only)

Tampa Service Office

7601 Highway 301 North
Tampa, Florida 33637-6759
(813) 985-7481 or
1-800-836-0797 (FL only)

Todd Pressman
Chair, Pinellas

Ronald E. Oakley
Vice Chair, Pasco

Hugh M. Gramling
Secretary, Hillsborough

Sallie Parks
Treasurer, Pinellas

Carlos Beruff
Manatee

Bryan K. Beswick
DeSoto

Jennifer E. Closshey
Hillsborough

Neil Combee
Polk

Albert G. Joerger
Sarasota

Maritza Rovira-Forino
Hillsborough

H. Paul Senft, Jr.
Polk

Douglas B. Tharp
Sumter

Judith C. Whitehead
Hernando

David L. Moore
Executive Director

William S. Bilenky
General Counsel

January 6, 2010

Tommy Gough
PO Box 645
Wildwood, FL 34785

Subject: **Final Agency Action Transmittal Letter**
ERP General Construction
Permit No 44035093.000
Project Name: Tommy's Hauling
County Sumter
Sec/Twp/Rge: 24/20S/22E

Dear Mr Gough:

This letter constitutes notice of Final Agency Action for **approval** of the permit referenced above. Final approval is contingent upon no objection to the District's action being received by the District within the time frames described below

You or any person whose substantial interests are affected by the District's action regarding a permit may request an administrative hearing in accordance with Sections 120.569 and 120.57, Florida Statutes, (F.S.), and Chapter 28-106, Florida Administrative Code, (F.A.C.), of the Uniform Rules of Procedure. *A request for hearing must: (1) explain how the substantial interests of each person requesting the hearing will be affected by the District's action, or proposed action, (2) state all material facts disputed by the person requesting the hearing or state that there are no disputed facts, and (3) otherwise comply with Chapter 28-106, F.A.C.* Copies of Sections 28-106.201 and 28-106.301, F.A.C. are enclosed for your reference. A request for hearing must be filed with (received by) the Agency Clerk of the District at the District's Brooksville address within 21 days of receipt of this notice. Receipt is deemed to be the fifth day after the date on which this notice is deposited in the United States mail. Failure to file a request for hearing within this time period shall constitute a waiver of any right you or such person may have to request a hearing under Sections 120.569 and 120.57, F.S. Mediation pursuant to Section 120.573, F.S., to settle an administrative dispute regarding the District's action in this matter is not available prior to the filing of a request for hearing.

Enclosed is a "Noticing Packet" that provides information regarding the District Rule 40D-1 1010, F.A.C., which addresses the notification of persons whose substantial interests may be affected by the District's action in this matter. The packet contains guidelines on how to provide notice of the District's action, and a notice that you may use.

The enclosed approved construction plans are part of the permit, and construction must be in accordance with these plans

If you have questions concerning the permit, please contact David G Urban, at the Brooksville Service Office, extension 4372 For assistance with environmental concerns, please contact Albert A. Gagne, Jr., extension 4352

Sincerely,

A handwritten signature in black ink, appearing to read "Henry Robert Lue". The signature is fluid and cursive, with the first name "Henry" being more prominent.

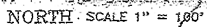
Henry Robert Lue, P E., Director
Brooksville Regulation Department

HRL:DGU:AAG:mef

Enclosures: Approved Permit w/Conditions Attached
 Approved Construction Drawings
 Statement of Completion
 Notice of Authorization to Commence Construction
 Noticing Packet (42.00-039)
 Sections 28-106.201 and 28-106.301, F.A.C

cc/enc: File of Record 44035093.000


Michael A. Robinson, P E., Structural Engineering, Inc.



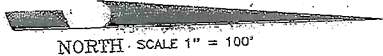
Michael A. Robinson, P. E.
(Ft. St. V.)
MICHAEL A. ROBINSON, P.E.
STRUCTURAL ENGINEERING, INC.
INDUSTRIAL, COMMERCIAL, and RESIDENTIAL
921 SHADOW DR. STE. 3
LAKELAND, FLORIDA 33809
OFFICE (883) 815-9541
FAX (883) 858-9661

44035033.000

THIS DOES NOT CONTAIN EXEMPT INFO



STAMPED
JAN 2 010
PERMITTED
DRAWING



SCALE: NTS

44035093.000

MICHAEL A. ROBINSON, P.E.
(Rusty)

INDUSTRIAL, COMMERCIAL, and RESIDENTIAL

321 SHADON DRIVE
LAKELAND, FLORIDA 33803

OFFICE (863) 813-9041
FAX (863) 858-9861

11-10-51

SIGNATURE OF OWNER/AGENT

DATE _____
SHT C _____

Florida Registration

DRAWN BY: SR	DRAWING NUMBER	REVISION
--------------	----------------	----------

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
ENVIRONMENTAL RESOURCE
GENERAL CONSTRUCTION
PERMIT NO 44035093.000

Expiration Date: January 6, 2015

PERMIT ISSUE DATE January 6, 2010

This permit is issued under the provisions of Chapter 373, Florida Statutes, (F.S.), and the Rules contained in Chapters 40D-4 and 40, Florida Administrative Code, (F.A.C.). The permit authorizes the Permittee to proceed with the construction of a surface water management system in accordance with the information outlined herein and shown by the application, approved drawings, plans, specifications, and other documents, attached hereto and kept on file at the Southwest Florida Water Management District (District). Unless otherwise stated by permit specific condition, permit issuance constitutes certification of compliance with state water quality standards under Section 401 of the Clean Water Act, 33 U.S.C. 1341. All construction, operation and maintenance of the surface water management system authorized by this permit shall occur in compliance with Florida Statutes and Administrative Code and the conditions of this permit.

PROJECT NAME: Tommy's Hauling

GRANTED TO: Tommy Gough
PO Box 645
Wildwood, FL 34785

ABSTRACT: This permit is for a surface water management system to serve a sand mine borrow pit within a 5.11-acre project area. The project site is located northwest of the intersection of US 301 and CR 526 in Sumter County. Information regarding the surface water management system is contained in the tables below.

OP & MAINT ENTITY: Tommy Gough

COUNTY: Sumter

SEC/TWP/RGE: 24/20S/22E

**TOTAL ACRES OWNED
OR UNDER CONTROL.** 5.11

PROJECT SIZE: 5.11 Acres

LAND USE: Mining

DATE APPLICATION FILED: July 6, 2009

AMENDED DATE: N/A

I Water Quantity/Quality

POND NO.	AREA ACRES @ TOP OF BANK	TREATMENT TYPE
Mine	3.78	On-line Retention
TOTAL	3.78	

A mixing zone is not required.

A variance is not required.

II 100-Year Floodplain

Encroachment (Acre-Feet of fill)	Compensation (Acre-Feet of excavation)	Compensation Type*	Encroachment Result**(feet)
0.00	0.00	NE [X]	Depth [N/A]

*Codes [X] for the type or method of compensation provided are as follows

NE = No Encroachment

MI = Minimal Impact based on modeling of existing stages vs post-project encroachment.

N/A = Not Applicable

Depth of change in flood stage (level) over existing receiving water stage resulting from floodplain encroachment caused by a project that claims **MI type of compensation

III Environmental Considerations

No wetlands or other surface waters exist within the project area.

SPECIFIC CONDITIONS

1. If the ownership of the project area covered by the subject permit is divided, with someone other than the Permittee becoming the owner of part of the project area, this permit shall terminate, pursuant to Section 40D-1.6105, F.A.C. In such situations, each land owner shall obtain a permit (which may be a modification of this permit) for the land owned by that person. This condition shall not apply to the division and sale of lots or units in residential subdivisions or condominiums.
2. Unless specified otherwise herein, two copies of all information and reports required by this permit shall be submitted to:

 Brooksville Regulation Department
 Southwest Florida Water Management District
 2379 Broad Street
 Brooksville, FL 34604-6899

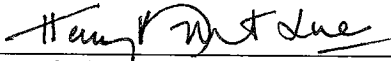
 The permit number, title of report or information and event (for recurring report or information submittal) shall be identified on all information and reports submitted
3. The Permittee shall retain the design engineer, or other professional engineer registered in Florida, to conduct on-site observations of construction and assist with the as-built certification requirements of this project. The Permittee shall inform the District in writing of the name, address and phone number of the professional engineer so employed. This information shall be submitted prior to construction.

- 4 Within 30 days after completion of construction of the permitted activity, the Permittee shall submit to the Brooksville Service Office a written statement of completion and certification by a registered professional engineer or other appropriate individual as authorized by law, utilizing the required Statement of Completion and Request for Transfer to Operation Entity form identified in Chapter 40D-1.659, F.A.C., and signed, dated and sealed as-built drawings. The as-built drawings shall identify any deviations from the approved construction drawings.
5. The District reserves the right, upon prior notice to the Permittee, to conduct on-site research to assess the pollutant removal efficiency of the surface water management system. The Permittee may be required to cooperate in this regard by allowing on-site access by District representatives, by allowing the installation and operation of testing and monitoring equipment, and by allowing other assistance measures as needed on site.
- 6 The operation and maintenance entity shall submit inspection reports in the form required by the District, in accordance with the following schedule:

For systems utilizing retention or wet detention, the inspections shall be performed two (2) years after operation is authorized and every two (2) years thereafter.
- 7 The Permittee shall notify the District at least 48 hours prior to the maximum excavation of each retention/detention pond and must notify the District upon the completion of each retention/detention pond.
- 8 If limestone bedrock is encountered during construction of the surface water management system, the District must be notified and construction in the affected area shall cease.
- 9 The Permittee shall notify the District of any sinkhole development in the surface water management system within 48 hours of discovery and must submit a detailed sinkhole evaluation and repair plan for approval by the District within 30 days of discovery.
10. The District, upon prior notice to the Permittee, may conduct on-site inspections to assess the effectiveness of the erosion control barriers and other measures employed to prevent violations of state water quality standards and avoid downstream impacts. Such barriers or other measures should control discharges, erosion, and sediment transport during construction and thereafter. The District will also determine any potential environmental problems that may develop as a result of leaving or removing the barriers and other measures during construction or after construction of the project has been completed. The Permittee must provide any remedial measures that are needed.
- 11 This permit is issued based upon the design prepared by the Permittee's consultant. If at any time it is determined by the District that the Conditions for Issuance of Permits in Rules 40D-4.301 and 40D-4.302, F.A.C., have not been met, upon written notice by the District, the Permittee shall obtain a permit modification and perform any construction necessary thereunder to correct any deficiencies in the system design or construction to meet District rule criteria. The Permittee is advised that the correction of deficiencies may require re-construction of the surface water management system and/or mitigation areas.

GENERAL CONDITIONS

1. The general conditions attached hereto as Exhibit "A" are hereby incorporated into this permit by reference and the Permittee shall comply with them.



Authorized Signature

HENRY ROBERT LUE, P.E., DIRECTOR
BROOKSVILLE REGULATION DEPARTMENT

EXHIBIT "A"

- 1 All activities shall be implemented as set forth in the plans, specifications and performance criteria as approved by this permit. Any deviation from the permitted activity and the conditions for undertaking that activity shall constitute a violation of this permit.
- 2 This permit or a copy thereof, complete with all conditions, attachments, exhibits, and modifications, shall be kept at the work site of the permitted activity. The complete permit shall be available for review at the work site upon request by District staff. The permittee shall require the contractor to review the complete permit prior to commencement of the activity authorized by this permit.
- 3 For general permits authorizing incidental site activities, the following limiting general conditions shall also apply:
 - a. If the decision to issue the associated individual permit is not final within 90 days of issuance of the incidental site activities permit, the site must be restored by the permittee within 90 days after notification by the District. Restoration must be completed by re-contouring the disturbed site to previous grades and slopes re-establishing and maintaining suitable vegetation and erosion control to provide stabilized hydraulic conditions. The period for completing restoration may be extended if requested by the permittee and determined by the District to be warranted due to adverse weather conditions or other good cause. In addition, the permittee shall institute stabilization measures for erosion and sediment control as soon as practicable, but in no case more than 7 days after notification by the District.
 - b. The incidental site activities are commenced at the permittee's own risk. The Governing Board will not consider the monetary costs associated with the incidental site activities or any potential restoration costs in making its decision to approve or deny the individual environmental resource permit application. Issuance of this permit shall not in any way be construed as commitment to issue the associated individual environmental resource permit.
- 4 Activities approved by this permit shall be conducted in a manner which does not cause violations of state water quality standards. The permittee shall implement best management practices for erosion and a pollution control to prevent violation of state water quality standards. Temporary erosion control shall be implemented prior to and during construction, and permanent control measures shall be completed within 7 days of any construction activity. Turbidity barriers shall be installed and maintained at all locations where the possibility of transferring suspended solids into the receiving waterbody exists due to the permitted work. Turbidity barriers shall remain in place at all locations until construction is completed and soils are stabilized and vegetation has been established. Thereafter the permittee shall be responsible for the removal of the barriers. The permittee shall correct any erosion or shoaling that causes adverse impacts to the water resources.
- 5 Water quality data for the water discharged from the permittee's property or into the surface waters of the state shall be submitted to the District as required by the permit. Analyses shall be performed according to procedures outlined in the current edition of Standard Methods for the Examination of Water and Wastewater by the American Public Health Association or Methods for Chemical Analyses of Water and Wastes by the U.S. Environmental Protection Agency. If water quality data are required, the permittee shall provide data as required on volumes of water discharged, including total volume discharged during the days of sampling and total monthly volume discharged from the property or into surface waters of the state.

15. This permit is valid only for the specific processes, operations and designs indicated on the approved drawings or exhibits submitted in support of the permit application. Any substantial deviation from the approved drawings, exhibits, specifications or permit conditions, including construction within the total land area but outside the approved project area(s), may constitute grounds for revocation or enforcement action by the District, unless a modification has been applied for and approved. Examples of substantial deviations include excavation of ponds, ditches or sump areas deeper than shown on the approved plans.
16. The operation phase of this permit shall not become effective until the permittee has complied with the requirements of the conditions herein, the District determines the system to be in compliance with the permitted plans, and the entity approved by the District accepts responsibility for operation and maintenance of the system. The permit may not be transferred to the operation and maintenance entity approved by the District until the operation phase of the permit becomes effective. Following inspection and approval of the permitted system by the District, the permittee shall request transfer of the permit to the responsible operation and maintenance entity approved by the District, if different from the permittee. Until a transfer is approved by the District, the permittee shall be liable for compliance with the terms of the permit.
17. Should any other regulatory agency require changes to the permitted system, the District shall be notified of the changes prior to implementation so that a determination can be made whether a permit modification is required.
18. This permit does not eliminate the necessity to obtain any required federal, state, local and special District authorizations including a determination of the proposed activities' compliance with the applicable comprehensive plan prior to the start of any activity approved by this permit.
19. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the permit and Chapter 40D-4 or Chapter 40D-40, F.A.C.
20. The permittee shall hold and save the District harmless from any and all damages, claims, or liabilities which may arise by reason of the activities authorized by the permit or any use of the permitted system.
21. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding unless a specific condition of this permit or a formal determination under section 373.421(2), F.S., provides otherwise.
22. The permittee shall notify the District in writing within 30 days of any sale, conveyance, or other transfer of ownership or control of the permitted system or the real property at which the permitted system is located. All transfers of ownership or transfers of a permit are subject to the requirements of Rule 40D-4.351, F.A.C. The permittee transferring the permit shall remain liable for any corrective actions that may be required as a result of any permit violations prior to such sale, conveyance or other transfer.
23. Upon reasonable notice to the permittee, District authorized staff with proper identification shall have permission to enter, inspect, sample and test the system to insure conformity with District rules, regulations and conditions of the permits.
24. If historical or archaeological artifacts are discovered at any time on the project site, the permittee shall immediately notify the District and the Florida Department of State, Division of Historical Resources.
25. The permittee shall immediately notify the District in writing of any previously submitted information that is later discovered to be inaccurate.

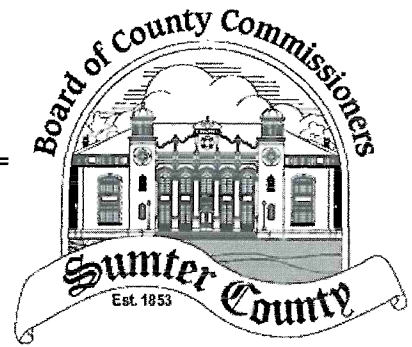
Board of County Commissioners

Division of Planning & Development

Planning Services

7375 Powell Road • Wildwood, FL 34785 • Phone (352) 689-4460 • FAX: (352) 689-4461

Website: <http://sumtercountyfl.gov/planning>



Memo

To: Zoning & Adjustment Board
From: Brad Cornelius, AICP, CPM, LEED Green Assoc.,
Director
Date: September 15, 2011
RE: S2011-0002 - Tommy's Hauling

Staff is still working with the applicant for S2011-0002 (Tommy's Hauling) to obtain sufficient information to prepare a recommendation. The Sumter County Development Review Committee (DRC) tabled this application at their August 22, 2011, meeting to obtain more information from the applicant regarding his proposed excavation operation. Staff did not receive a response to this request for information until September 14, 2011. The information was not received in time to be re-scheduled for the DRC prior to the September 19, 2011, ZAB hearing. In addition, the response was not sufficient. Staff submitted an additional request for information to the applicant's engineer on September 15, 2011.

This item will come back to the DRC on October 3, 2011. Staff requests the ZAB table this case to October 17, 2011.

Bradley T. Cornelius, AICP, CPM
Director of Planning & Development
(352) 689-4460
7375 Powell Road, Suite 115
Wildwood, FL 34785

Bradley S. Arnold,
County Administrator
(352) 689-4400
7375 Powell Road
Wildwood, FL 34785

Richard "Dick" Hoffman, Dist 1
(352) 689-4400
7375 Powell Road
Wildwood, FL 34785

Doug Gilpin, Dist 2
2nd Vice-Chairman
(352) 689-4400
7375 Powell Road
Wildwood, FL 34785

Don Burgess, Dist 3
Chairman
(352) 689-4400
7375 Powell Road
Wildwood, FL 34785

Garry Breeden, Dist 4
Vice-Chairman
(352) 689-4400
7375 Powell Road
Wildwood, FL 34785

Randy Mask, Dist 5
Office: (352) 689-4400
Home: (352) 793-3930
7375 Powell Road
Wildwood, FL 34785

Cornelius, Brad

From: Cornelius, Brad
Sent: Thursday, September 15, 2011 3:24 PM
To: 'Rusty Robinson'; Webb, Aimee; Rusty Robinson
Cc: Gill, Sarah, Steele, Kathy, Cassels, Sandy, Rusty Robinson, Wert, Chris, Jackson, Jackey; 'wreckerservice@embarqmail.com'
Subject: RE: Tommy's Hauling Inc. Special Use
Importance: High

Rusty,

I still don't see where you did the calculation based on the dimensions of the excavation on the SWFWMD permit. I need to know what the is maximum volume to be excavated under the permit not the maximum excavated based on the number of loads that will be generated. This number can change based on Tommy's operational characteristics. Please provide the calculation for the cubic yards excavated.

Also, it is not clear whether the approved plan by SWFWMD meets the County's standard for excavation. Please review the attached excavation provisions of the County's code and provide a response as to how the proposed excavation activities meets these provisions of the Code.

Finally, I am concerned about the impact of the trucks on CR 526. Can you verify that CR 526 is suitable to accommodate the heavy truck traffic? Public Works may require a bond or improvements to CR 526. I have copied Public Works on this email.

Due to the late submittal of the information, I will not be able to get this back to the DRC prior to the Zoning Board meeting on Monday (9/19). Consequently, I will have to table the Zoning Board meeting. The following is the revised schedule for the project:

DRC · October 3 @ 2 pm
Zoning Board · October 17 @ 6:30 pm
BOCC · October 25 @ 5 30 pm

Please provide your response no later than September 23, 2011, so there is sufficient time for review and submittal to the DRC.

Thank you,

Brad Cornelius, AICP, CPM, LEED Green Assoc.
Director
Sumter County
Division of Planning & Development
352.689.4460
brad.cornelius@sumtercountyfl.gov

***** Important Notice *****

The Board of Sumter County Commissioners is a public agency subject to Chapter 119 of Florida Statutes concerning public records.

From: Rusty Robinson [mailto:mrobinson24@str-eng.com]

9/15/2011

Sent: Wednesday, September 14, 2011 8:35 PM
To: Cornelius, Brad; Webb, Aimee; Rusty Robinson
Cc: Gill, Sarah; Steele, Kathy; Cassels, Sandy; Rusty Robinson
Subject: Re: Tommy's Hauling Inc.

Brad,

Attached letter reflecting SWFWMD permit.

Thanks,

Rusty

----- Original Message -----

From: Cornelius, Brad
To: Rusty Robinson ; Webb, Aimee ; Rusty Robinson
Cc: Gill, Sarah ; Steele, Kathy ; Cassels, Sandy
Sent: Wednesday, August 31, 2011 3:58 PM
Subject: RE: Tommy's Hauling Inc.

Rusty,

In your calculation, the amount of material excavated is based on the number of loads of material removed (i.e. 5 trucks per week) and not based on the potential amount that can be excavated based on the SWFWMD permit. Please provide a maximum amount of material excavated based on the dimensions of the excavation reflected in the SWFWMD permit.

Thanks,

Brad Cornelius, AICP, CPM, LEED Green Assoc.
Director
Sumter County
Division of Planning & Development
352.689.4460
brad.cornelius@sumtercountyfl.gov

***** Important Notice *****

The Board of Sumter County Commissioners is a public agency subject to Chapter 119 of Florida Statutes concerning public records.

From: Rusty Robinson [<mailto:mrobinson24@str-eng.com>]
Sent: Wednesday, August 31, 2011 10:06 AM
To: Webb, Aimee; Rusty Robinson
Cc: Cornelius, Brad
Subject: Re: Tommy's Hauling Inc.

Sorry. senior moment

Rusty

----- Original Message -----

From: Webb, Aimee
To: Rusty Robinson
Cc: Cornelius, Brad ; Rusty Robinson
Sent: Wednesday, August 31, 2011 7:46 AM

9/15/2011

Subject: RE: Tommy's Hauling Inc.

Rusty,

There is no attachment

Aimee

From: Rusty Robinson [mailto:mrobinson24@cfl.rr.com]

Sent: Tuesday, August 30, 2011 9:27 PM

To: Webb, Aimee

Cc: Cornelius, Brad; Rusty Robinson

Subject: Re: Tommy's Hauling Inc.

Aimee,

Attached pdf of revised letter for Tommy's hauling

Let me know if you any questions or comments. (863-660-8012)

Thanks,

Rusty

----- Original Message -----

From: Rusty Robinson

To: Rusty Robinson

Sent: Monday, August 29, 2011 1 31 PM

Subject: Fw: Tommy's Hauling Inc.

----- Original Message -----

From: Webb, Aimee

To: mrobinson24@str-eng.com

Sent: Monday, August 29, 2011 11:07 AM

Subject: FW: Tommy's Hauling Inc.

From: Cornelius, Brad

Sent: Monday, August 29, 2011 11:07 AM

To: Webb, Aimee

Subject: RE: Tommy's Hauling Inc.

We also need to know that the total cubic yards of material will be removed throughout the life of the operation

Thanks,

Brad C.

Brad Cornelius, AICP, CPM, LEED Green Assoc

Director, Planning & Development

352 689 4460

From: Webb, Aimee

Sent: Mon 8/29/2011 7:44 AM

To: Cornelius, Brad

Subject: FW: Tommy's Hauling Inc.

Was there anything else you needed? I couldn't remember

Aimee

From: Rusty Robinson [mailto:mrobinson24@cfl.rr.com]

Sent: Saturday, August 27, 2011 4:14 PM

To: Webb, Aimee

Subject: Tommy's Hauling Inc.

Aimee,

Attached pdf of letter for Tommy's hauling.

Let me know if you any questions or comments. (863-660-8012)

Thanks,

Rusty

******* Important Notice *******

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******* Important Notice *******

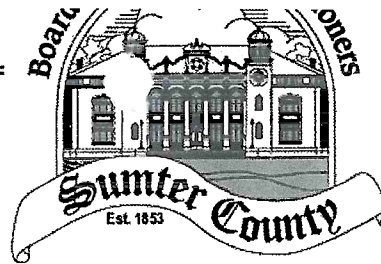
The Board of Sumter County Commissioners is a public agency subject to Chapter 119 of Florida Statutes concerning public records.

******* Important Notice *******

The Board of Sumter County Commissioners is a public agency subject to Chapter 119 of Florida Statutes concerning public records.

Code Compliance Department

7375 Powell Road, Suite 115 • Wildwood, FL 34785 • Phone (352) 689-4478 • FAX: (352) 689-4461
Website: <http://sumtercountyfl.gov/CodeEnforcement>



COURTESY NOTICE OF VIOLATION

7/13/2011

File #: CE2011-0195

HAULING INC TOMMY'S
PO BOX 645
WILDWOOD, FL 34785

Dear HAULING INC TOMMY'S

We regret to inform you that a violation of the Sumter County Code exists on your property located:

Parcel #	J24A009	Section/Township/Range:	242022
Subdivision:		Tract:	
Block:		Lot(s):	
Legal Description (partial):			
LOT 6 BARWICKS ADD PB 1 PG 21			

The violation(s) is(are) as follows:

CE2011-0195

*** You are using property for a sand pit operation in which you do not have the proper land use and/or permitting.

You are being notified a violation exists on your property and are being requested to please correct it before July 25, 2011. Should you desire additional information, disagree with the findings, or a hardship prevents you from correcting the violation in the allotted time, please call (352) 689-4478 to discuss possible resolutions.

Thank you for your attention in this matter

Sincerely,

Alysia Akins
Licensing/Code Enforcement Coordinator



Villages Public Safety

Villages Center Community Development District.

1231 Bonita Blvd.

The Villages, Florida 32162

(352)205 8280

(352) 2058290 fax

Date: August 1, 2011

Tommy's Hauling Inc – Medium Development – SUP Approval

This project is outside the DRI of the Villages.

The Villages Public Safety has no comments on this project.

Capt. Daniel Hickey.

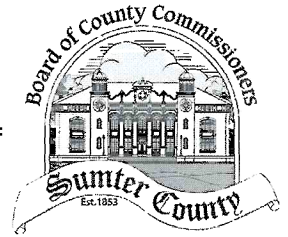
Fire Safety Inspector II

117980

SUMTER COUNTY PUBLIC WORKS

SUMTER COUNTY, FLORIDA

319 E. Anderson Avenue • Bushnell, FL 33513 • Phone (352) 793-0240 • Fax (352) 793-0247 • SunCom 665-0240 •
Website <http://sumtercountyfl.gov>



August 1, 2011

Ms. Aimee Webb
Development Coordinator
Sumter County Division of Planning and Development
7375 Powell Road, Suite 115
Wildwood, FL 34785

Re Tommy's Hauling Inc.

Ms. Webb

After careful review of the plans received, we the following comments:

- Provide copy of SWFWMD permit
- Provide details of erosion control on plans

We look forward to working with you on this important project.

Sincerely,

Chris Wert, PE
Staff Engineer

cc. Scott Cottrell, PE – Sumter County Public Works Director

Webb, Aimee

From: Burris, Brad
Sent: Friday, July 29, 2011 10:09 AM
To: Webb, Aimee
Subject: RE August 8th DRC Agenda
Attachments: Burris, Brad.vcf

Aimee,

I have no comments for the projects on the Aug 8th DRC

Brad Burris
Fire Marshal
Sumter County Fire Rescue

From: Webb, Aimee
Sent: Friday, July 22, 2011 10:06 AM
To: Burris, Brad; Cassels, Sandy; Chavez, Tina; Cornelius, Brad; Cottrell, Scott; George Angeliadis; Hickey, Dan; Jackson, Jackey; Martin Steele; Nicole Stalder; Richards, Bill; Rollie; Timothy_Conner@doh.state.fl.us; Wert, Chris
Subject: August 8th DRC Agenda

Good morning,

Attached is the above referenced DRC Agenda. The plans & materials can be found at
<http://www.sumtercountyfl.gov/DocumentCenterii.aspx?FID=487>

Please review and have all comments to me no later than Friday, August 5th, at 2:00 p.m.

Thanks,
Aimee

Webb, Aimee

From: Rolland_Shrewsbury@doh.state.fl.us
Sent: Friday, July 22, 2011 10:35 AM
To: Webb, Aimee
Cc: Keith_Hunter@doh.state.fl.us; Sanford_Zelnick@doh.state.fl.us
Subject: RE: August 8th DRC Agenda

The Sumter County Health Dept has no comments for projects #1 thru #4. For project #5 **Tommy's Hauling Inc – Medium Development – SUP Approval**, A contract with a portable toilet service should be required, to provide sanitary facilities for the construction/excavation. It should remain in effect for the project's duration

Thank you

Rolland D. Shrewsbury, RS
Environmental Manager
Sumter County Health Department
PO Box 98
415 East Noble Ave.
Bushnell, Florida 33513
(352)793-7133 Fax (352)793-6045

Please note: Florida has a very broad public records law.
Most written communications to or from state officials
regarding state business are public records available to the
public and media upon request. Your e-mail communications
may therefore be subject to public disclosure.

From: Webb, Aimee [mailto:Aimee.Webb@sumtercountyfl.gov]
Sent: Friday, July 22, 2011 10:06 AM
To: Burris, Brad; Cassels, Sandy; Chavez, Tina; Cornelius, Brad; Cottrell, Scott; George Angeliadis; Hickey, Dan; Jackson, Jackey; Steele, Martin D; Nicole Stalder; Richards, Bill; Shrewsbury, Rolland D; Conner, Timothy P; Wert, Chris
Subject: August 8th DRC Agenda

Good morning,

Attached is the above referenced DRC Agenda. The plans & materials can be found at
<http://www.sumtercountyfl.gov/DocumentCenterii.aspx?FID=487>

Please review and have all comments to me no later than Friday, August 5th, at 2:00 p.m.

Thanks,
Aimee

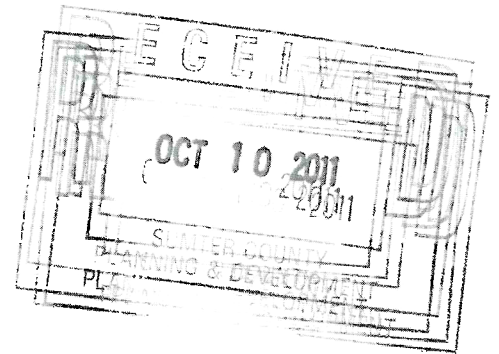
***** Important Notice *****

The Board of Sumter County Commissioners is a public agency subject to Chapter 119 of Florida Statutes concerning public records.

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Spam

To: Sumter County Planning Department
7375 Powell Road
Suite 115
Wildwood, Florida 34785



From: Tom and Roxanne Nielsen
2219 CR 526
Sumterville, Florida 33585

Re: Special Use Permit requested by
Tommy's Hauling, Inc.
For sand pit in Sumterville of
5 acres MOL.

We are objecting to this permit but since this property has been being dug out for at least the last five years our objections seem to be aimed in the wrong direction. We have lived at the above address for the last four years and even as our house was being built this area was being dug out and is still being managed this way now.

We feel it is very necessary that this be looked into by all forms of the Sumter County government, including Code Enforcement, and Building and Zoning.

This business/person has been allowed to operate for at least five years hauling large amounts of topsoil, sand, dirt and rock out of this pit all this time and apparently without a proper permit. As citizens we feel we have a right to an answer as to why this has gone on all this time without the proper permits. Also in relation to this hearing the signs that were posted for request of rezoning, of which we only know of two, have both been posted in areas where none of us in the neighborhood would have seen them. We had to actually go looking to find both signs that were posted in wooded areas not visible to anyone at all.

But of more concern to us is how much deeper is this pit going to be allowed to be dug out and what is going to be done to replace the land that is now gone. This pit is at least forty to sixty feet deep, and comes right up to several property lines in this area. There have been no buffers put in place and actually a total disregard for any one else's property at all. I'm enclosing some pictures of the area and will have more with me at the county commission meeting on Oct. 17th. We as homeowners in the area actually want to know if any of the commissioners or code enforcement has been to look at the property and if not, why not.

You have basically allowed this person/business to do as he pleases and even to continue to operate while this is being decided, and we feel it is necessary to object and strongly urge you to look at the area and what has been done and put some very strong and definite boundaries on what should be allowed to continue on this land.

We would really like to hear what is planned to be put back into this hole that has been created and just how much longer this is going to go on.

In closing we strongly object to anything further digging going on with this property until these questions are answered. Then once the decisions have been made for this property

it is requested that in the future proper checks on what is taking place here be kept in a very strict manner so that the area does not become more of a problem than is already there.

Sincerely,

Tom & Roxanne Nielsen



